



Grafton Conservation Commission

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD

GRAFTON, MASSACHUSETTS 01519

Phone: (508) 839-5335 ext. 1138 • FAX: (508) 839-4602

www.grafton-ma.gov • concom@grafton-ma.gov

COPY

RECEIVED

OCT 22 2019

PLANNING BOARD
GRAFTON, MA

April 11, 2019

Matthew Pearson
Grafton Water District
P.O. Box 537
44 Millbury Street
Grafton, MA 01519

EXHIBIT 13

Subject: DEP # 164-971 / WP #793 – Order of Conditions Approval with Special Conditions
98 Worcester Street (Assessor's Map 46, Lot 50A)

Mr. Pearson:

Enclosed, please find your approved Order of Conditions and Grafton Wetlands Protection Bylaw Permit with special conditions for property located at the above referenced location. Please review these documents and follow all conditions. Some of these conditions will need to be met prior to commencing work at the site.

Please be advised that it is your responsibility to have these documents recorded with the Worcester Registry of Deeds. Once recorded, please submit a copy of the page containing the registry bar code label to the Conservation Commission office prior to commencing work.

If you have any questions or concerns, please contact the office at 508-839-5335 extension 1138, or via e-mail at: concom@grafton-ma.gov

Sincerely,

Leah Cameron
Conservation Assistant

Enclosures

Cc: Richard Canavan, Tighe & Bond

**Massachusetts Department of Environmental
Protection**
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:164-0971
eDEP Transaction #:1098687
City/Town:GRAFTON

A. General Information

1. Conservation Commission GRAFTON
2. Issuance a. ☒ OOC b. ☐ Amended OOC

3. Applicant Details

a. First Name MATTHEW b. Last Name PEARSON
c. Organization GRAFTON WATER DISTRICT
d. Mailing Address PO BOX 537, 44 MILLBURY STREET
e. City/Town GRAFTON f. State MA g. Zip Code 01519

4. Property Owner

a. First Name MATTHEW b. Last Name PEARSON
c. Organization GRAFTON WATER DISTRICT
d. Mailing Address PO BOX 537, 44 MILLBURY STREET
e. City/Town GRAFTON f. State MA g. Zip Code 01519

5. Project Location

a. Street Address 98 WORCESTER STREET
b. City/Town GRAFTON c. Zip Code 01519
d. Assessors 46 e. Parcel/Lot# 50A
Map/Plat#
f. Latitude 42.22056N g. Longitude 71.69442W

6. Property recorded at the Registry of Deed for:

a. County b. Certificate c. Book d. Page
WORCESTER 11149 275

7. Dates

a. Date NOI Filed : 2/27/2019 b. Date Public Hearing Closed: 4/2/2019 c. Date Of Issuance: 4/11/2019

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
GRAFTON WATER
DISTRICT
WORCESTER
STREET PUMP TIGHE & BOND THOMAS J. MAHANNA FEBRUARY 2019,
STATION STAMPED 1" = 20'
REPLACEMENT "RECEIVED 2/27/19"
PROJECT

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.

c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet

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8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u>	<u> </u>
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	38950 a. total sq. feet	38950 b. total sq. feet		
Sq ft within 100 ft	18200 c. square feet	18200 d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	20750 g. square feet	20750 h. square feet	<u> </u> i. square feet	<u> </u> j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		

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21. ☐ Land Subject to Coastal Storm Flowage

 a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

 a. square feet of BVW

 b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

 a. number of new stream crossings

 b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "164-0971"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☒ is not (2) ☐ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED "EXHIBIT A"

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ **DENIES** the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ **APPROVES** the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw

GRAFTON
WETLANDS
PROTECTION
BYLAW

2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED "EXHIBIT A"



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E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

[Three blue ink signatures]

[Handwritten signature: Helen Cheney]

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

Date

4/11/19

1. Date of Issuance

5

2. Number of Signers

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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(M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

GRAFTON

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

GRAFTON

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

98 WORCESTER STREET

Project Location

164-0971

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner MATTHEW PEARSON

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

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Signature of Applicant

Rev. 4/1/2010

EXHIBIT 'A'

This Order of Conditions and Grafton Wetlands Permit are issued with the following special conditions:

Findings

1. The Grafton Conservation Commission makes no finding as to the accuracy of the delineation of any resource areas, whether or not shown on plans referenced below.
2. The Commission permits this work as a limited project under 310 CMR 10.53(3)(o) for the maintenance and operation of a public water supply well.

Waivers

1. The Commission granted a waiver from Section V.C.5.a. of the Grafton Wetlands Protection Bylaw Regulations to allow for temporary impacts to the twenty-five (25) foot no-disturb area in order to remove sixty (60) square feet of existing pavement and restore the area with vegetation.

General Conditions

1. The work shall be completed as shown on the plans titled **"Grafton Water District Worcester Street Pump Station Replacement Project"** with a final revision date of **February 2019** and stamped **"Received 2/27/19."**
2. The Commission reserves the right to require additional measures if deemed necessary to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00) and the Grafton Wetlands Protection Bylaw and Regulations or the Grafton Stormwater Management Bylaw and Regulations.
3. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of these terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this permit resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this permit.
4. **Phasing and restoration sequence** shall comply with all approved plans and documents as well as the actions listed in the following conditions.
5. This permit and a copy of approved drawings and plans shall be available at the project site at all times for easy reference.
6. Work shall be halted on the site if the Conservation Commission, Agent or DEP determines that any of the work is not in compliance with this permit.

Conditions Prior to Commencement of Construction

7. Prior to commencement of construction, **revised plans shall be submitted** containing the following revisions: all references to the use of hay shall be changed to straw, applicable zoning districts shall be noted on the plans, and the limit of disturbance shall be shown on the plans.
8. Prior to commencement of construction, this Order of Conditions and Grafton Wetlands Protection Bylaw Permit **shall be recorded** with the Worcester Registry of Deeds. Once

recorded, a copy of any pages containing registry barcode labels shall be submitted to the Conservation Commission office.

9. Prior to commencement of construction, **a sign shall be displayed** at the entrance to the site, not less than two square feet, nor more than three square feet, bearing the words "Grafton Wetlands Permit # 793." In addition, the DEP file # must be displayed as required by the Order of Conditions.
10. A **pre-construction meeting** shall take place with all parties involved, including the conservation agent. The applicant shall contact the Grafton Conservation Commission to schedule this meeting prior to construction.
11. If a NPDES permit is issued by the EPA, the **Stormwater Pollution Prevention Plan (SWPPP)** shall be kept on site at all times. A copy of the NPDES facility permit notification and the SWPP Plan shall be submitted to Conservation Commission.
12. Prior to commencement of construction, the erosion control barrier consisting of silt fence and straw bales/wattles (minimum 12-inch size), shall be installed where indicated on above referenced plan and shall serve as the limit of disturbance/clearing/work. Where erosion control barrier is not required, the limits of disturbance/clearing/work must be marked with stakes, flagging or construction fencing. **The Conservation Commission or Agent must inspect and approve the installation of erosion control and the limits of disturbance prior to commencement of work.**
13. Prior to commencement of construction, the applicant shall install a **stone construction entrance** (tracking pad) not less than twenty (20) feet wide and not less than thirty (30) feet in length, of a stone size on the average of one (1) inch to four (4) inches.
14. Prior to commencement of construction, the general contractor shall designate a **construction staging area**, located outside all resource areas and buffer zones. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be located in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off the site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.

Conditions During Construction

15. The proposed **fencing shall be installed six-inches off the ground** in order to allow for wildlife travel underneath.
16. **Erosion control inspections** must be conducted by the site owner or an authorized representative at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of one quarter (1/4) inch or greater from the start of construction until the site is permanently stabilized. Inspection reports must be provided to the Conservation Commission upon request.
17. All **erosion control barriers shall be maintained** in good repair until all work is complete all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediment be deposited in a wetland or water body. The applicant shall remove accumulated sediment as needed. The Applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission.

18. The applicant shall maintain an **adequate supply of erosion control materials** on site at all times for emergency or routine replacement. Such materials shall be accessible at all times and shall include materials to repair or replace silt fences, straw bales, erosion control blankets, stone riprap, filter berms, polymer logs, or any other devices planned for use during construction.
19. **Loaming and seeding** shall occur within seven (7) days of final grading. If any disturbed portion of the project is inactive for more than fourteen (14) days, disturbed areas must be stabilized by seeding with a temporary stabilizing seed mix, unless the fourteen (14) days are in the winter. If this winter condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted. Seed stock to restore project denuded areas shall emphasize the natural flora and be of proven value to local wildlife.
20. Materials **shall not be stockpiled within one hundred (100) feet** of the designated wetland boundary. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than two to one (2:1). Stockpiles shall be surrounded by erosion control barriers.
21. Erosion control barriers shall serve as the **limit of work** unless another limit of work line has been approved by this permit. **Construction equipment is prohibited beyond the installed erosion control barrier.**
22. All existing and proposed catch basins and stormdrains on the site or on the streets adjacent to the project shall be protected by **Silt Sacks or an equivalent product** to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediment until all areas associated with the work permitted by this permit have been permanently stabilized and the Commission or Agent has formally approved their removal.
23. At the end of each workday, the applicant shall mechanically or manually **sweep** any sediment tracked onto adjacent streets. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Grafton. Any runoff resulting from the washing of trucks or construction equipment shall not be directed to, or dumped in, any on-site drainage system or in any area subject to protection under the MA Wetlands Protection Act or Grafton Wetlands Protection Bylaw. Any such washing shall occur in a designated area, protected by washed stone, outside of all resource areas and buffer zones.
24. An **impervious concrete washout structure** must be installed on site, located outside all resource areas and buffer zones and must include signage labeling the structure "Concrete Washout Area". This is the only location on site where concrete trucks and tools are permitted to be rinsed. All materials deposited within the concrete washout structure must be disposed of off-site.
25. **No fuel, oil, trash dumpsters or other pollutants shall be stored** in any resource area or the buffer zone thereto, unless specified in this permit.
26. If **dewatering** proves to be necessary, a dewatering plan shall be submitted to the Commission for review and approval. Dewatering activities shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge. No discharge of water is allowed directly into an area subject to jurisdiction of the Wetlands Protection Act or Grafton Wetlands Bylaw.
27. The applicant must submit a copy of the **foundation as-built plan** to the Conservation Commission at the time it is submitted to Building Department (prior to framing/construction of the building).

28. All silt fencing, stakes, and any non-biodegradable erosion control shall remain in place until the site is fully stabilized but shall be removed prior to the issuance of a complete Certificate of Compliance.
29. Upon completion of the work described herein, the applicant shall submit to the Conservation Commission:
 - I. A written Request for Certificate of Compliance (WPA Form 8A or other form required by the Commission at the time of the request);
 - II. A letter from a Massachusetts Registered Professional Engineer certifying compliance of the property with this permit, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted;
 - III. A complete, on the ground As-Built plan, signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act, Grafton Wetlands Protection Bylaw, and Grafton Stormwater Bylaw including, but not limited to:
 - a. Buildings, roadways, driveways, patios, walls, utilities, locations and elevations of all drainage and stormwater management facilities/structures, location of all wetland resource areas, no-disturb zone boundary and signs, buffer zones, edge of lawn and tree-shrub lines, wetland replication areas and any other areas of work associated with this project.
 - b. Elevations shall be shown in one (1) foot contours.
 - c. As-built drawings shall be shown as bolded overlays on proposed plans with deviations shown in red. As-built drawings shall be in the same scale as the approved site plans.
 - d. As-built drawings shall be submitted in hard copy and in electronic PDF and electronic format compatible with ARCVIEW GIS.

Ongoing Conditions:

30. Following the completion of the proposed restoration, a minimum twenty-five (25) foot no-disturb wetland buffer shall be maintained along the upland edge of bordering vegetated wetlands. This is an ongoing condition and does not expire with the issuance of a Certificate of Compliance.
31. Dumping of yard waste, clippings, or any material whatsoever is prohibited within the twenty-five (25) foot no-disturb wetland buffer. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
32. No herbicides or pesticides are allowed within the one hundred (100) foot wetland buffer. Fertilizer use is restricted but may be applied in accordance with the recommendations of a recent routine soil analysis. The results of the analysis must be provided to the Commission prior to application. This condition is ongoing and will not expire with the issuance of a Certificate of Compliance.
33. No sodium-based deicing products will be used on the driveway within the one hundred (100) foot wetland buffer. This condition is on-going and will not expire with the issuance of a Certificate of Compliance.



Grafton Conservation Commission

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
Phone: (508) 839-5335 ext. 1138 • FAX: (508) 839-4602
www.grafton-ma.gov • concom@grafton-ma.gov

Form 5: Wetlands Permit
Grafton Wetlands Protection Bylaw & Regulations

Rev. 5/17
Pg. 1 of 2

Grafton Wetlands Permit #: Project Location:

Assessor's Map #: Lot #:

Applicant: Address:

Owner: Address:

This Permit is issued as follows:

☒ Wetlands Permit OR ☐ Amended Wetlands Permit
OR ☐ Order of Resource Area Delineation (ORAD)

☒ Approved OR ☐ Denied

☒ In conjunction with Order of Conditions #164-971 and/or SW Permit
issued on

The property is recorded at the Worcester Registry of Deeds, Book: Page:

The Grafton Conservation Commission has reviewed and held a public hearing on the above referenced application and plans. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the interests protected by the Grafton Wetlands Protection Bylaw and orders that all work shall be performed in accordance with the conditions found in the attached "Exhibit A." To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the application, the conditions shall control.

If an Order of Conditions, pursuant to MGL Ch. 131 § 40, has been issued for all or part of the project, said Order of Conditions (referenced above) is incorporated into this Permit and appended hereto.

This Permit is valid for three years from the date of issuance, unless otherwise specified by the Commission.

The applicant is responsible for ensuring that this Permit is recorded at the Registry of Deeds or the Land Court for the district in which the land is located. After recording, submit a copy of the page containing the registry bar code label to the Conservation Commission office.



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Form 5
Pg. 2 of 2

Grafton Wetlands Permit #: 793

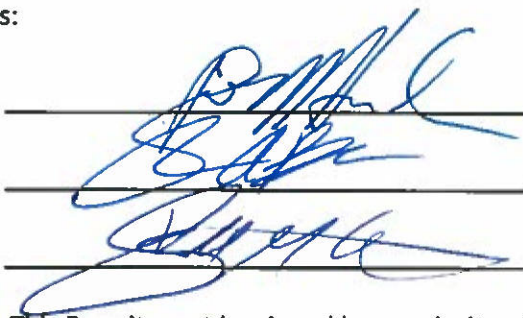
Project Location: 98 Worcester St.

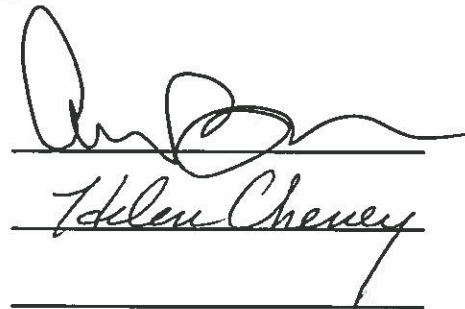
This Permit is issued to the applicant and delivered as follows:

☐ by hand delivery or ☒ by certified mail, return receipt requested

on (Date of Issuance): 4/11/19

Signatures:




Helen Cheney

This Permit must be signed by a majority of the Commission.

Any person aggrieved by this Permit or decision of the Commission, whether or not previously a party to the proceeding, may appeal according to MGL Ch. 249 54. Appeals shall be made to Worcester Superior Court within sixty (60) days of the date of the signing and/or issuance of said Permit or decision, whichever is the later. Notice of the appeal and a copy of the complaint shall be sent by certified mail, or hand-delivered, to the Commission, the Town Clerk, its authorized representative, and Town Counsel, so as to be received within ten (10) days. The appeal shall contain any facts pertinent to the issue, a copy of the decision being appealed, bearing the date of filing thereof, the complete name and address of the party filing the appeal, the name and address of the attorney, if any, representing the person filing the appeal, and the relief being sought. If the appeal is filed by some person or persons other than the original applicant, appellants, or petitioner, the original applicant and all members of the Commission shall be named as parties defendant.

EXHIBIT 'A'

This Order of Conditions and Grafton Wetlands Permit are issued with the following special conditions:

Findings

1. The Grafton Conservation Commission makes no finding as to the accuracy of the delineation of any resource areas, whether or not shown on plans referenced below.
2. The Commission permits this work as a limited project under 310 CMR 10.53(3)(o) for the maintenance and operation of a public water supply well.

Waivers

1. The Commission granted a waiver from Section V.C.5.a. of the Grafton Wetlands Protection Bylaw Regulations to allow for temporary impacts to the twenty-five (25) foot no-disturb area in order to remove sixty (60) square feet of existing pavement and restore the area with vegetation.

General Conditions

1. The work shall be completed as shown on the plans titled **"Grafton Water District Worcester Street Pump Station Replacement Project"** with a final revision date of **February 2019** and stamped **"Received 2/27/19."**
2. The Commission reserves the right to require additional measures if deemed necessary to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00) and the Grafton Wetlands Protection Bylaw and Regulations or the Grafton Stormwater Management Bylaw and Regulations.
3. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of these terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this permit resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this permit.
4. **Phasing and restoration sequence** shall comply with all approved plans and documents as well as the actions listed in the following conditions.
5. This permit and a copy of approved drawings and plans shall be available at the project site at all times for easy reference.
6. Work shall be halted on the site if the Conservation Commission, Agent or DEP determines that any of the work is not in compliance with this permit.

Conditions Prior to Commencement of Construction

7. Prior to commencement of construction, **revised plans shall be submitted** containing the following revisions: all references to the use of hay shall be changed to straw, applicable zoning districts shall be noted on the plans, and the limit of disturbance shall be shown on the plans.
8. Prior to commencement of construction, this Order of Conditions and Grafton Wetlands Protection Bylaw Permit **shall be recorded** with the Worcester Registry of Deeds. Once

recorded, a copy of any pages containing registry barcode labels shall be submitted to the Conservation Commission office.

9. Prior to commencement of construction, **a sign shall be displayed** at the entrance to the site, not less than two square feet, nor more than three square feet, bearing the words "Grafton Wetlands Permit # 793." In addition, the DEP file # must be displayed as required by the Order of Conditions.
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